IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 35278 of 1997

Between:

1. Govindapuram Gram Panchayat, Pusapatriga Mandal,

   Vizianagaram District, rep. by its Sarpanch, Vikram

   Jagannadham.

2. Sarpanch, Vikram Jagannadham, Chowduvada Gram Panchayat, Pusapatiraga Mandal, Vizianagaram District.

3. M.Umamaheshwara Rao, Member, MPTC, Poosapatiraga, Vizianagaram district.

4. Chintapalli Gram Panchayat, Pusapatiraga Mandal, Vizianagaram district, rep. by its Sarpanch, Myalapalli Tata.

5. Gumpam Gram Panchayat, Vizianagaram district, rep. by its Sarpanch, I.Balamani.

6. Pativada Gram Panchayat, Vizianagaram district, rep. by its Sarpanch, P.Venkata Ramana.

7. Konada Gram Panchayat, Vizianagaram district, rep. by its Sarpanch, D.Bhooleka.

8. Sugandhi Seetaramaiah, MPTC Member, Govindapuram, Vizianagaram district.

9. Velduru Gram Panchayat, Vizianagaram district, rep. by its Sarpanch, B.Guruvulu Reddy.

10. Tippalavalasa Gram Panchayat, Vizianagaram district, rep. by its Sarpanch, Nugi Chinnayya.

11. T.Seetaramaraju, Advocate and Member, ZPTC, Poosapatiraga, Vizianagaram district.

12. Pusapatiraga Gram Panchayat, Pusapatiraga Mandal, Vizianagaram district, rep.by its Sarpanch Marri Satyam Babu.

..... PETITIONERS

AND

1. M/s.Vera Laboratories Limited, Chowdamma Agraharam, Pusapatiraga Mandal, Vizianagaram district.

2. A.P. State Pollution Control Board, Hyderabad.

3. State of A.P., rep.by the Secretary, Environment and Forests Department, Secretariat Buildings, Hyderabad.

4. District Collector, Vizianagaram district, Vizianagaram.

5. Union of India, rep. by its Secretary, Industries Department, New Delhi.

6. The Secretary, Industries Department, Government of A.P., Secretariat Buildings, Hyderabad.

7. The District Medical and Health Officer, Vizianagaram, Vizianagaram district.

8. The Joint Director of Animal Husbandry Department, Govt. of A.P., Vizianagaram, Vizianagaram district.

9. Pollution Control Board, Vizianagaram district, Vizianagaram.

10. Dr.S.Vinaya Babu, Director of Medical Sciences, Govt.of A.P., Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or other suitable order directing the first respondent to shut down the Industry at Chodamma Agraharam, Pusapatiraga Mandal, Vizianagaram district.

Counsel for the Petitioner : Mr. T.ANANTHABABU, Senior Counsel

for Mr.N.JAYASURYA

Counsel for Respondent No.1 : Mr.C.KODANDARAM

Counsel for Respondents 2&9 : Mr.S.V.BHATT

S.C. for A.P. Pollution Control Board.

Counsel for Respondent No.3 : G.P. FOR FORESTS

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Pursuant to the order, latest report has been submitted by the Environmental Engineer, A.P.Pollution Control Board, Regional Office, Vizianagaram. It is stated that after filing of the writ petition in which various orders were passed, there was sea-change in the circumstances. Management of the respondent industry has been changed, and is presently managed by another drug manufacturing company M/s.Matrix Laboratories Ltd., Hyderabad, with effect from 1-1-2004. Industry has also changed the product mix on 11-6-2004. The Board issued Consent for Establishment (CFE) order for the changed product mix with certain conditions since the proposed product mix results in reduction of pollution load. Lastly, the industry was inspected on 27-8-2004 and it was noticed that except manufacturing Tiaprofonic Acid, other products are not manufactured now, which the earlier management was manufacaturing. The products now being permitted to be manufactured have changed the situation to a considerable extent in emitting highly odorous gas. The report has furnished details of the product mix manufactured by the industry and the conditions under which permission has been accorded. As regards discharge of effluents, it is stated that industry is recycling part of the finally treated effluents to bio towers and diffusion system has been introduced in the bio towers for improving the ETP performance. Two leaf filters have been installed and have become operational thereby improving the effluent quality. It is also stated that after treatment in the ETP, effluents are transported to sump using tankers for final disposal into sea through sub-surface marine outfall facility. The Board says that samples are now being regularly collected from the industry and are being analysed every month, and the effluent characteristics of samples collected for the last months

are tabulated and parameters were meeting the marine disposal standards. Hazardous solid waste is being kept in secured storage tank within the premises for disposal to the TSDF at Dindigal, Hyderabad. Industry has also provided incinerator for incineration of process residues.

We have heard both the parties. In view of the fact that industry is taken over by new management and stopped manufacturing such of the products which are discharging highly odorous gases and the manufacture of product mix is now being carried out after taking precautions as per the conditions imposed by the respondent Board, which is now regularly monitoring, the writ petition deserves to be closed, but with certain directions. Accordingly, we direct that the new management shall not permit any untreated effluents to leave its factory premises and will ensure that whatever is discharged in the industry is properly treated so as to meet the relevant marine disposal standards. The management shall not undertake manufacture of any new product or products without obtaining necessary consent from the respondent Board. The respondent Board will also correspondingly ensure due compliance of the conditions imposed by various consent orders issued to the new management and shall continue to keep strict vigil to ensure that the industry will adhere to the conditions and does not allow untreated effluents to be taken out of the factory premises.

The writ petition stands closed with liberty reserved to the petitioners to take out fresh proceedings in case still they have any grievance. No costs.

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DEVINDER GUPTA, C.J.

23rd September 2004.

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C.V.RAMULU, J.

ARS

To

1. M/s Vera Laboratories Limited, Chowdamma Agraharam, Pusapatiraga Mandal, Vizianagaram district.
2. The A.P. State Pollution Control Board, Hyderabad.
3. The Secretary, State of A.P., Environment and Forests Department, Secretariat Buildings, Hyderabad.
4. The District Collector, Vizianagaram district, Vizianagaram.
5. The Secretary, Union of India, Industries Department, New Delhi.
6. The Secretary, Industries Department, Government of A.P., Secretariat Buildings, Hyderabad.
7. The District Medical and Health Officer, Vizianagaram, Vizianagaram district.
8. The Joint Director of Animal Husbandry Department, Govt. of A.P., Vizianagaram, Vizianagaram district.
9. The Pollution Control Board, Vizianagaram district, Vizianagaram.
10. Dr.S.Vinaya Babu, Director of Medical Sciences, Govt.of A.P., Hyderabad.
11. Two CCs to the G.P. for Forest, High Court Buildings, Hyderabad(OUT).
12. Two CD copies.